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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,945	11/15/2000	Tuan Tran	80168-0131	8533
32658	7590	12/04/2003	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No.	Applicant(s)
	09/711,945	TRAN, TUAN
	Examiner Stefano Karmis	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 November 2000.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

1. The following application has been reviewed. Original claims 1-22 are pending. The rejections are as stated below:

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 12 and 15 are rejected in view of 35 U.S.C. § 101 because the claimed invention is directed to a non-statutory subject matter. Specifically the claims are directed towards an abstract idea.

Claims 12 and 15 represent an abstract idea that does not provide a practical application in the technological arts. There is no manipulation of data nor is there any transformation of data from one state to another being performed in “A method for developing and using a request for transaction framework comprising the act.” The claimed invention does not appear to correspond to a specific machine or manufacture and thus encompass any product of the class configured in any manner to perform the underlying process. Consequently, the claims are analyzed based upon the underlying process and thus rejected as being directed to a non-statutory process. Appropriate correction of the preamble and body of the claim is required.

The following preamble is suggested:

“A computer implemented method for developing and using a request for transaction framework comprising the act: ---”, or something similar.

The following body is suggested:

“developing an electronic request for transaction framework... - - -“ or something similar.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-16 and 20 rejected under 35 U.S.C. 102(e) as being anticipated by Luke et al. (hereinafter Luke) U.S. Patent 6,131,087.

Regarding independent claims 1, 12 and 21-22, Luke discloses a method for developing and using a request for transaction framework comprising developing a request for transaction framework that establishes a set of relevant attributes for a particular market (column 5, line 40 thru column 6, lines 11); receiving a request for transaction framework that establishes a set of

relevant attributes for a particular market (column 12, lines 3-5); receiving a plurality of responses to the request, wherein a plurality of providers for the particular market develop the plurality of responses by indicating a set of values for the set of relevant attributes (column 9, lines 1-8); determining a selected response by the organization based on the set of values for the set of relevant variables provided in the plurality of responses (column 9, line 49 thru column 10, line 19); and a disclosure of auction markets used to match buyers and sellers (column 2, lines 32-61).

Claim 2, the framework engine is configured to create a market based on manipulated attribute parameters and identify an analysis framework (column 5, lines 26-52).

Claim 3, the request for transaction engine comprises a request engine, a response engine and an analysis engine (column 5, line 53 thru column 6, line 11 and column 6, lines 35-44).

Claim 4, the request engine is configured to enable an organization to prepare and transmit the request comprising structured attribute information relating to the resource requirement, and wherein the schema of structured attribute information available to the organization is determined by the market maker using the framework engine (column 6, lines 45-55).

Claim 5, the request engine comprises a request for proposal engine and a request for quote engine (column 5, line 53 thru column 6, line 11).

Claim 6, the analysis engine enables a plurality of providers to perform an analysis framework on a plurality of requests based on an extensible number of attributes, wherein the analysis framework available to the plurality of providers is determined by the market maker using the framework engine (column 9, line 49 thru column 10, line 14).

Claim 7, the response engine enables the plurality of providers to prepare and transmit a plurality of responses to the request (column 9, line 49 thru column 10, line 14).

Claim 8, the analysis engine enables an organization to perform an analysis framework on a plurality of requests based on an extensible number of attributes, wherein the analysis framework available to the organization is determined by the market maker using the framework engine (column 9, line 49 thru column 10, line 14).

Claim 9, the organization transmits information to and receives information from the request engine and the analysis engine based on a first language associated with an organization user; and each of the providers transmit information to and receive information from the response engine and the analysis engine based on a second language associated with a provider user (column 5, lines 25-39).

Claim 10, the organization transmits information to and receives information from the request engine and the analysis engine based on a first currency associated with an organization

user; and each of the providers transmit information to and receive information from the response engine and the analysis engine based on a second currency associated with a provider user (column 3, lines 49-51).

Claim 11, the organization transmits information to and receives information from the request engine and the analysis engine based on a first unit of measure associated with an organization user; and each of the providers transmit information to and receive information from the response engine and the analysis engine based on a second unit of measure associated with a provider user (column 3, lines 49-51).

Claim 13, the request comprises structured attribute information relating to a resource requirement (column 9, line 57 thru column 10, line 14).

Claim 14, analyzing, by the plurality of providers, a plurality of pending requests based on an extensible number of attributes; and analyzing, by the organization, the plurality of responses based on extensible number of attributes (column 9, line 27 thru column 10, line 19).

Regarding independent claim 15, Luke discloses a method for developing an online request for a transaction by determining relevant market attributes; selecting relevant existing attributes; selectively creating new attributes; selecting an analysis framework and developing the online request for transaction market based on the relevant market attributes and the selected analysis framework (column 3, line 60 thru column 4, line 45).

Claim 16, the act of creating a new attribute requires determining an attribute name; determining an attribute data type; determining a data entry control type; determining a set of attribute constraints; determining an attribute analysis framework option; and developing based on each of the determined attribute parameters a new attribute (column 7, line 26 thru column 8, line 32).

Claim 20, the acts are implemented using a graphical user interface (column 6, lines 20-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luke et al. (hereinafter Luke) U.S. Patent 6,131,087.

Claims 17 and 18, Luke teaches providing attributes in an electronic market, however Luke fails to teach a data entry control type for attribute values comprises one of, a drop down list, a list box, an input box, a combination box, a radio button and a check box. Official Notice is taken that data entry is old and well known in the art. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Luke to include one of a drop down list, a list box, an input box, a combination box, a radio button and a check box because they are all common and well known efficient manner of inputting data into a computer system.

Claim 19, Luke teaches providing new attributes in electronic markets, however Luke fails to teach providing a help object associated with each attribute. Official Notice is taken that help objects are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Luke to include help objects for newly created attributed because it provides a user of the system beneficial information to understand what is desired by the newly created attribute, which is necessary to produce a match between buyers and sellers.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Midorikawa et al., US Patent 5,953,708 Sep. 14, 1999. Transaction control system having a time delay adjustment transmission mechanism.
- b) Togher et al., US Patent 6,014,627 Jan. 11, 2000. Credit management for electronic brokerage system.
- c) Walker et al., US Patent 6,108,639 Aug. 22, 2000. Conditional purchase offer (CPO) management system for collectibles.
- d) Korhammer et al., US Patent 6,278,982 Aug. 21, 2001. Securities trading system for consolidation of trading on multiple ECNS and electronic exchanges.
- e) Howorka, US Patent 6,282,521 Aug. 28, 2001. Anonymous trading system with improved quote input capabilities.
- f) Gindlesperger, US Patent 6,397,197 May 28, 2002. Apparatus and method for obtaining lowest bid from information product vendors.
- g) Fraser et al., US Patent 6,560,580 May 6, 2003. Automated auction protocol processor.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Respectfully Submitted
Stefano Karmis
November 21, 2003



HANI M. KAZIMI
PRIMARY EXAMINER